

DISPOSITION: January 12, 1949. Default decree of condemnation and destruction.

3548. Misbranding of Spectro-Chrome. U. S. v. 1 Device, etc. (F. D. C. No. 16892. Sample No. 16921-H.)

LIBEL FILED: On or about August 14, 1945, Northern District of Illinois.

ALLEGED SHIPMENT: On or about July 2, 1945, from Newfield, N. J., by Dinshah P. Ghadiali.

PRODUCT: 1 *Spectro-Chrome* device, together with an assortment of written, printed, and graphic matter. (The device is described in notices of judgment on drugs and devices, No. 3149.)

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label and in the accompanying labeling were false and misleading. (See above-referenced notice of judgment for the nature of the misbranding.)

DISPOSITION: May 17, 1950. Upon motion of the Government, the case was dismissed.

3549. Misbranding of Therm-Massage infrared heat applicator. U. S. v. 143 Cartons, etc. (F. D. C. No. 24706. Sample No. 32388-K.)

LIBEL FILED: April 8, 1948, Northern District of California.

ALLEGED SHIPMENT: On or about March 11, 1948, by Sibert & Co., from Newark, N. J.

PRODUCT: 143 cartons each containing 1 device labeled "Therm-Massage Infra-Red Heat Applicator" and a circular bearing the same name; also, in shipping cases, 39 additional copies of the above circular and copies of circulars entitled "Heat Massage Those Pains Away," "Amazing New Scientific Invention," "1st Ad, July 1st for Beauty Aid," and "Earn Extra Profits," and copies of display cards entitled "Relieve Pain Quickly" and "Therm-Massage Infra-Red." The device, together with the accompanying labeling, was at San Francisco, Calif.

Examination showed that the device consisted of two pieces of molded bakelite, one serving as the handle and the other containing an electrically heated coil.

NATURE OF CHARGE: Misbranding, Section 502 (a), the circulars and the display cards accompanying the device contained certain statements which were false and misleading. These statements represented and suggested that the device would be effective in the cure, mitigation, and treatment of headache, sinus, muscular aches, sprains, cramps in feet or legs, stiff neck or stiff joints, colds, backache, rheumatism, aching muscles, arthritis, aching joints, neuritis, and neuralgia; that the device would be efficacious to reach down into aching muscles and joints, to bring new comfort to tortured nerves, to relax sore muscles, and to make aching nerves and joints feel better; that the device would be effective in the cure, mitigation, and treatment of foot pains, head pains, nerve pains, back pains, stiff and sore shoulders and back muscles, rheumatism, toothache, sprains and bruises, and sprained ankle; that it would cause the pain to disappear from an injured hand and enable one to get a good night's sleep; that it would be effective in the cure, mitigation, and treatment of any aches or pains; that it would relieve the stiffness in the neck muscles after a tonsillectomy; that it would relax the tiny muscles of the face, throat, and neck,